

FILED

August 16, 2023

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: DT
Deputy

UNITED STATES OF AMERICA,

Plaintiff,

v.

([REDACTED]) and
(2) TYREE OWENS

Defendants.

Case No: EP:23-CR-01569-DB**SEALED****INDICTMENT**

§ **CT 1:** 18 U.S.C. § 932(b) – Straw Purchasing of
§ Firearm and Conspiracy;

§ **CT 2:** 18 U.S.C. § 933(a)(1) – Trafficking in
§ Firearms;

§ **CT 3:** 18 U.S.C. § 933(a)(2) – Trafficking in
§ Firearms;

§ **CT 4:** 18 U.S.C. §§ 2, 922(a)(6), & 924(a)(2) -
§ False Statement During Purchase of a Firearm;

§ *Notice of Government's Demand for Forfeiture*
§

THE GRAND JURY CHARGES:

COUNT ONE

(18 U.S.C. § 932(b), (c))

Beginning on or about November 22, 2022, and continuing through and including on or about November 23, 2022, in the Western District of Texas, Defendant,

[REDACTED]

did knowingly purchase and conspire to purchase a firearm, to wit: a Glock, model 23 Gen4, .40 caliber handgun, serial number AECK706, in or otherwise affecting interstate or foreign commerce for, on behalf of, or at the request or demand of another person, knowing and having reasonable cause to believe (2) TYREE OWENS was a prohibited person under Title 18 U.S.C., Section 922(b)(1), all in violation of Title 18, United States Code, Section 932(b), (c).

COUNT TWO
(18 U.S.C. § 933(a)(1), (b))

On or about November 23, 2022, in the Western District of Texas, Defendant,

[REDACTED],

did ship, transport, transfer, cause to be transported, or otherwise dispose of a firearm, to wit: a Glock, model 23 Gen4, .40 caliber handgun, serial number AECK706 to **(2) TYREE OWENS** in or otherwise affecting interstate or foreign commerce, knowing and having reasonable cause to believe that the use, carrying or possession of the firearm by **(2) TYREE OWENS** would constitute a felony, or did attempt or conspire to do so, in violation of Title 18, United States Code, Section 933(a)(1), (b).

COUNT THREE
(18 U.S.C. § 933(a)(2),(b))

On or about November 23, 2022, in the Western District of Texas, Defendant,

(2) TYREE OWENS,

did receive from another person, in or otherwise affecting interstate or foreign commerce, a firearm, to wit: a Glock, model 23 Gen4, .40 caliber handgun, serial number AECK706, knowing and having reasonable cause to believe that such receipt would constitute a felony or did attempt or conspire to do so, in violation of Title 18, United States Code, Section 933(a)(2), (b).

COUNT FOUR
(18 U.S.C. §§ 922(a)(6) & 924(a)(2))

On or about November 23, 2022, in the Western District of Texas, Defendant,

[REDACTED],

in connection with the acquisition of a firearm, to wit: Glock, model 23 Gen4, .40 caliber handgun, serial number AECK706, from FFL #1, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to FFL

#1, which statement was intended and likely to deceive FFL #1, as to a fact material to the lawfulness of such sale or acquisition of the said firearm to the Defendant under chapter 44 of Title 18, in that the Defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, Firearms Transaction Record, to the effect that he was the actual transferee/buyer of the firearms indicated on the Form 4473, when in fact as the defendant then knew, he was not the actual transferee/buyer of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

I.

Firearms Trafficking Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 932(b), 933(a)(1) and (a)(2), subject to forfeiture pursuant to Title 18 U.S.C §§ 934(a)(1)(A) and (B) & 924(d)(1), as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the criminal violations set forth above, the United States of America gives notice to Defendants [REDACTED] and (2) **TYREE OWENS** of its intent to seek the forfeiture of certain property upon conviction and pursuant to FED. R. CRIM. P. 32.2, Title 18 U.S.C. §§ 934(a)(1)(A) and (B) & 924(d)(1), as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which state:

Title 18 U.S.C. § 934. - Forfeiture and Fines

(a) Forfeiture.

(1) In General.— Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law—

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, except that for any forfeiture of any firearm or ammunition pursuant to this section, section 924(d) shall apply.

Title 18 U.S.C. § 924.

* * *

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(I), or knowing violation of section 924, shall be subject to seizure and forfeiture under the provisions of this chapter. . .

II.

False Statement During a Firearm Acquisition Violation and Forfeiture Statutes
[Title 18 U.S.C. §§ 922(a)(6) and 924(a)(2), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the foregoing criminal violations set forth above, the United States of America gives notice to Defendant [REDACTED] of its intent to seek the forfeiture of certain property upon conviction pursuant to FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 924(d)(1), as made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c). Section 924 states, in pertinent part, the following:

Title 18 U.S.C. § 924.

* * *

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(I), or knowing violation of section 924, shall be subject to seizure and forfeiture under the provisions of this chapter. . .

This Notice of Demand for Forfeiture includes but is not limited to the property described in Paragraph III.

III.
Properties

1. Glock, model 23 Gen4, .40 caliber firearm, serial number AECK706; and
2. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

A TRUE BILL.



FOREPERSON OF THE GRAND JURY

JAIME ESPARZA
UNITED STATES ATTORNEY

BY: *José Luis Gonzales*
Assistant U.S. Attorney